

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: UEMATSU, et al.
Serial No.: 10/759,179
Filed: January 20, 2004
For: METHOD FOR EXPRESSED GENE ANALYSIS AND PROBE
KIT FOR EXPRESSED GENE ANALYSIS
Group AU: 1637
Examiner: Stephanie Kane Mummert
Confirm. No.: 7828

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97 & 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 20, 2008

Sir:

Pursuant to Applicants' duty of disclosure, enclosed please find a copy of a Notice of Rejection dated November 20, 2007, in connection with corresponding Japanese Patent Application No. 2004-059720, together with copies of documents cited in this Notice of Rejection. Also enclosed is an English-language abstract and English translation of the Japanese patent document cited in this Notice of Rejection. An additional document cited in this Notice of Rejection, i.e., the article by Whitcombe, et al., has previously been considered by the Examiner in connection with the above-identified application submitted in the Information Disclosure Statement filed January 20, 2004, upon originally filing the above-identified application. Also enclosed is a Form PTO/SB/08A and B, listing the enclosed documents.

This Information Disclosure Statement is being submitted in an application in which a first Office Action on the merits has previously been issued, but in an application which is not under a Final rejection and in which a Notice of Allowance

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has not been issued, and in which no other action closing prosecution on the merits has been issued. For satisfying requirements of 37 CFR 1.97(c), the following Statement is made under 37 CFR 1.97(e):

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

While one of the two documents cited in the enclosed Notice of Rejection is not in English, it is respectfully submitted that requirements of 37 CFR 1.98(a)(3) are satisfied in connection therewith, by the English/language abstract submitted therewith, and/or by the English translation also submitted therewith.

In view of the foregoing, it is respectfully submitted that all applicable requirements of 37 CFR 1.97 and 1.98 have been satisfied, at least in connection with the enclosed documents, cited in the enclosed Notice of Rejection. Consideration of the enclosed documents, upon further examination of the above-identified application, is respectfully requested.

Please charge any shortage of fees due in connection with the filing of this paper to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case No. 1021.43414X00), or credit any excess fees paid to such Deposit Account.

Respectfully Submitted
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06/16/2008

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